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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/722,443	11/28/2003	Jae Kyum Kim	0465-1102P	7382
2292 7590 03/08/2007 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			EXAMINER PATEL, RITA RAMESH	
			ART UNIT	PAPER NUMBER
			1746	

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	03/08/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 03/08/2007.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary

Application No.

10/722,443

Applicant(s)

KIM ET AL.

Examiner

Rita R. Patel

Art Unit

1746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 9-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 9-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Response to Applicant's Arguments / Amendments

This Office Action is responsive to the amendment filed on 12/11/06. Claims 1, 3, 4, 6-7, and 9-13 have been amended. Claims 1-7 and 9-13 are pending. Applicant's arguments have been considered, but are not persuasive. Thus, claims 1-7 and 9-13 are finally rejected for the reasons of record.

Applicant notes that a provisional obviousness-type double patenting rejection has been made over claims 1-3 and 5-13 over Application Nos. 10/722,455, however, applicant argues that the Examiner has not made out a prima facie case of obviousness by explaining in detail how the individual claims rejected in the application are obvious and thus not meeting the Examiner's burden of proof. The Office notes that additional provisional obviousness-type double patenting rejections were also made over claims 1-3 and 7-10, as well as, claims 1-3 and 7-8 of the pending application over Application Nos. 10/722,150 and 10/722,426, respectively. The Office maintains its provisional obviousness-type double patenting rejections over said claims, as the Office successfully indicates with more detail herein the claims in the corresponding applications that align with the current application, as well as indicate specific overlapping structural pieces that are taught by each application.

The Office maintains that the ribs 69a, 69, 69c attach the bellow (gasket) to the tub, as well as maintain traverse the entirety of the radial circumference of the bellows.

Art Unit: 1746

It is at once envisaged that these ribs formed to integrally connect the bellow to the tub are formed about the entire circumference of the bellow because bellows/gaskets are known in the art to seal washing machines from leaking.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7 and 9-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Kronbetter et al. herein referred to as "Kronbetter" (US Patent No. 6,256,823).

Kronbetter teaches a washing machine 10 with housing 12 having an opening 19 in the front of panel 13. Also, there is a bellows 44 in the front panel 13, therein lying stationary drum 25 and rotating drum 30; bellows 44 reads on applicant's claim for a gasket. The motor 34 drives rotating drum 30 via a suitable connection, for example a belt 35 and pulley 36 (col. 4, lines 6-7).

The bellows 44 embodies a first channel 46 having opposing sidewalls 50, terminating in a first and second fastening means 54, 56; the first fastening means 54 has an axially extending rib 65 engageable with one of the sidewalls of the first channel; and second fastening means 56 which has an axially extending rib 70 and is engageable with one of the sidewalls of the second channel and a radially extending lip 80 engageable with the door, whereby the stationary drum is sealed to the front panel of

Art Unit: 1746

the washing machine. Opening 19 reads on applicant's claim for a first opening; the opening of stationary drum 25 reads on applicant's claim for a second opening; and the opening of rotating drum 30 reads on applicant's claim for a third opening.

Diagrammed in Figure 2 of Kronbetter are steps 60, 61 and corner bellow portion 44 form a "Z" shaped part which reads on applicant's claims for a leakage preventing part have a first, second, and third connecting member. Kronbetter's disclosure of fins 69a, 69b, 69c reads on applicant's claim for a laundry-stuck preventing part comprising a ring type protrusion protruding from an inner circumference of the third connecting member. The reinforcement ribs 69a, 69b, 69c as illustrated in Figure 3 of Kronbetter form a circular/ring like shape upon depression. Kronbetter's teaching of inwardly directed annular rib 65 reads on applicant's claim for a laundry-stuck preventing part comprising a laundry discharge part provided on an upper inner circumference of the ring type protrusion. As illustrated in Figure 3, the reinforcement ribs 69 appear to have tapered ends. Moreover, as seen in Figure 2, Kronbetter's annular rib 65 and reinforcement ribs are illustratively shown at the top and bottom of the openings.

The ribs 69a, 69b, 69c of the bellow 44 are formed integrally with the tub 40. It is at once envisaged that the ribs of Kronbetter are uniformly shaped about and formed along the entire radial circumference of the bellow 44.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kim et al. (US 2004/0025544) teaches a horizontal washing machine with a gasket 30 for preventing water and laundry received in the drum 20 and

Art Unit: 1746

tub 10 from being leaked outside the tub 10 (Paragraph [0045]). As seen in Figure 2 of Kim et al. the gasket creates a sealing path from the door along a straight away then forms a "Z"-shape and follows along a second horizontal straightaway where it connects with the edge of the drum 20, and finally forms a vertical part which connects with the tub 10.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-3, 7, and 9-10 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-2 and 11-20 of copending Application No. 10/722,150. Although the conflicting claims are not identical,

Art Unit: 1746

they are not patentably distinct from each other because they both claim a washing machine including a cabinet, drum, tub, gasket, first, second, and third openings, a gasket, a laundry-stuck preventing part, and a leakage preventing part. Copending application 10/722,150 teaches a gasket which reads on applicant's claim for a leakage preventing part, with a lip extending inwardly in a radial direction which reads on applicant's claim for a laundry-stuck preventing part extending inwardly in a radial direction, and a support member configured to prevent the lip from drooping to prevent an interruption between the lip and the drum read on applicant's claim for a first, second, and third connecting members.

Claims 1-3 and 7 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-2, 5, 10, 12, and 15 of copending Application No. 10/722,426. Although the conflicting claims are not identical, they are not patentably distinct from each other because they both claim a washing machine including a cabinet, drum, tub, and gasket; the gasket including a leakage preventing part and a ring type protrusion. Copending application 10/722,426 teaches a leakage preventing part which reads on applicant's claim for a leakage preventing part, with a ring protrusion protruding towards a center which reads on applicant's claim for a laundry-stuck preventing part extending inwardly in a radial direction.

Art Unit: 1746

Claims 1-3, 5-7, and 9-13 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-6 and 9-14 of copending Application No. 10/722,455. Although the conflicting claims are not identical, they are not patentably distinct from each other because they both claim a washing machine including a cabinet, drum, tub, and gasket. The gasket including a leakage preventing part, a laundry-stuck preventing part, and a vertical ring type rib with hemi-circular/rounded/tapered end. Copending application teaches a gasket with a laundry-stuck extending inwardly in a radial direction which read on applicant's claims for a leakage preventing part, and deformation preventing part reads on applicant's claims for a laundry-stuck preventing part extending inwardly in a radial direction.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

Art Unit: 1746

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

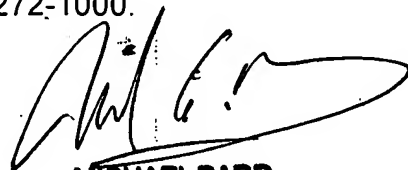
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rita R. Patel whose telephone number is (571) 272-8701. The examiner can normally be reached on M-F: 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr can be reached on (571) 272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



rrp



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SUPERVISORY PATENT EXAMINER